

JODIE LOVE

V.

Defendant

The Plaintiff was *pro se* when she initially drafted and filed her Complaint. The Defendant filed a Motion to Dismiss based upon numerous assertions. The Court deferred its ruling on the Motion to Dismiss until the parties more fully documented their respective arguments as it pertained to a defense of sovereign immunity. Plaintiff retained counsel at that point. When counsel reviewed the remainder of Defendant's Motion to Dismiss and the content of the Complaint, it became apparent that there was a legitimate chance that the Motion could be granted due to potentially deficient pleading on the part of the Plaintiff even if the Court sided with Plaintiff regarding the sovereign immunity argument.

Furthermore, in reviewing the Complaint, counsel noted that there were various actions alleged which could not be supported by the facts which were pled. Counsel required a short period of time to thoroughly review the pleadings, case history, determine whether other parties should be joined, which causes of action should be added or removed, engage in document review and conduct case law research.

Plaintiff was concerned that the Court might rule in her favor as it pertains to the sovereign immunity issue, but then dismiss the case based upon a deficient pleading. Plaintiff was simply seeking an opportunity to plead her claims correctly, and a proposed Amended Complaint is attached hereto as Exhibit 1. Again, it is understood that the standard procedure would be to submit a proposed Amended Complaint at the time of the initial Motion. However, Plaintiff begs the Court's indulgence given the circumstances. It would be unfair to Plaintiff to not allow her the time necessary to prepare a valid and appropriate Amended Complaint when said pleading was necessary to correct mistakes made while *pro se*.

Defendant in its Brief in Opposition revisits its sovereign immunity argument. Plaintiff simply reasserts her earlier position that the Court does not have enough information at this time to rule that Defendant benefits from that protection.

Respectfully Submitted,

/s/
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CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of January, 2017, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send electronic notification of such filing (NEF) to the following counsel of record:

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